

REMARKS

Applicant thanks the Examiner for the thorough examination of the above-mentioned application. Claims 1-17 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,815,581 to Levin, and claims 18-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Levin.

Applicant thanks the Examiner for the opportunity to hold the Telephone Interview on November 30, 2005, and the Interview Summary issued on December 7, 2005. In the Telephone Interview and the Interview Summary, the Examiner acknowledged that a further review of Levin revealed that Levin did not contain flanges extending from walls 22. The Examiner also suggested as an alternative to amending the claims that no amendments be made at this time given that Levin does not truly anticipate Applicant's independent claims and therefore will be removed as a primary reference in a subsequent Office Action.

Based upon the comments made by the Examiner in the Telephone Interview and Interview Summary, Applicant has followed the Examiner's recommendation and not amended original claims 1-21. In addition, as the Examiner has suggested, Paragraph [0040] of the specification has been amended to provide additional description of the placement and orientation of the subject device regarding the anatomy of the user. As noted by the Examiner, the descriptions regarding the orientation of the device in the above amendment to the specification are clearly shown in Figures 7, 7A, and 8 so that no new matter is added.

As the Examiner has agreed that Levin will be removed as a primary reference in a subsequent Office Action, and that Levin does not disclose the flanges contained in the independent claims, a detailed claim-by-claim analysis in view of Levin will not be discussed. However, in addition to the distinctions discussed during the Interview, Applicant also notes a few of the other major primary distinctions between Applicant's claimed invention and Levin. For instance, many of the claims require that the device contain a catheter guide or be used in such a way to insert a catheter. In the rejection to claim 3, the Examiner concluded that trough

12 provides sufficient means to serve as a catheter guide for guiding a catheter between walls 22 and into the vaginal passage 36 via end 16. However, as trough 12 and end 16 are inserted into the vagina passage 36 as shown in Figure 8 of Levin, it cannot serve as a guide or catheter. As shown in Figures 7A and 8 of Applicant's invention, the guide must be aligned with the urethra canal 54 for insertion of catheter 40 and not the vaginal passage 58. In addition, claims 16 and 19 of the subject application included the requirement that the device is devoid (i.e., without) a vaginal insert, wherein Levin clearly teaches a vaginal insert as noted by the Examiner.

In addition, Applicant has added new claims 22-26 (as suggested by the Examiner) that include additional limitations relating to the orientation of the device with respect to the body upon placement by the user.

Applicant believes all of the pending claims 1-26 are now in condition for allowance, and respectfully requests passage thereof. Furthermore, as the Examiner had agreed to withdraw Levin as a primary reference, if for any reason Levin should be reinstated as a primary reference, Applicant reserves the right to make a detailed claim-by-claim analysis in regard thereto.

If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels LLP's Deposit Account No. 02-0387 (71158.20003). However, please do not include the payment of issue fees.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel Tychonievich". The signature is written in dark ink and is positioned above the printed name and contact information.

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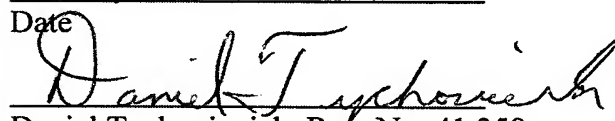
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 8, 2006

Date

A handwritten signature in cursive script, appearing to read "Daniel Tychonievich", is written over a horizontal line.

Daniel Tychonievich, Reg. No. 41,358